

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA



ADMINISTRATIVE PROCEDURES
FOR
ELECTRONIC CASE FILING

EFFECTIVE: JULY 1, 2005

INTRODUCTION

To the extent these Administrative Procedures conflict with the Court's existing Local Rules, these Administrative Procedures take precedence. Further, the Court may deviate from these Administrative Procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these Administrative Procedures at any time without prior notice. Updates to these Administrative Procedures will be immediately posted to the Court's web page at www.wvnd.uscourts.gov.

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1. Definitions.

- 1.1.** “All documents” means all documents traditionally filed with the Court excluding the documents specifically exempted in these procedures.
- 1.2.** “Traditionally Filed Document” means a document or pleading presented to the Court for filing in paper or other non-electronic, tangible format.
- 1.3.** “Electronic Filing” means uploading a pleading or document directly from the Filing User’s computer using the Court’s Internet-based Electronic Filing System (the “System”) to file that pleading or document in the Court’s case file.
- 1.4.** “Filing User” is an individual who has a court-issued login and password to file documents electronically.
- 1.5.** “Notice of Electronic Filing” means the notice that the System generates which establishes the electronic receipt of a document filed electronically with the System.
- 1.6.** “Portable Document Format” or “.pdf format” means a type of document formatting that can be created with almost any word processing program. Scanned documents can also be converted to .pdf format.

1.7. “.pdf scanned document” means a document converted into .pdf format by means of a document scanner. “.pdf scanned documents” differ from “.pdf text documents” in that “.pdf scanned documents” are essentially pictures of the original documents and do not allow for text searches within those documents.

1.8. “.pdf text document” means a document converted from a word processing program (i.e. WordPerfect, Microsoft Word, etc.) directly into .pdf format without the use of a scanner. A “.pdf text document” is the preferred format for filing documents with the Court because a “.pdf text document” is considerably smaller in size and allows for text searches within that document.

2. Scope of Electronic Filing.

Subject to the exceptions set forth herein, effective July 1, 2005, all documents shall be filed electronically no matter when the case, civil or criminal, was originally filed.

3. Special Filing Requirements and Exceptions from Mandatory Electronic Filing.

3.1. Traditionally Filed

A. The following matters or documents shall be filed in the traditional manner:

i. Parties proceeding *pro se*.

a. Non-prisoner *pro se* filers will be permitted to file electronically only when permission of the Court has been requested and the Court has granted by Order such request. If, during the course of the action, the

person retains an attorney who appears on the person's behalf, the Clerk shall terminate the person's registration upon the attorney's appearance.

- b. Incarcerated *pro se* filers are not permitted to file electronically. They must file in the traditional manner.
- ii. The administrative records in social security cases.
- iii. The Civil Action cover sheet and Notice of Filing of a Civil Action.
- iv. The State court record and other materials submitted in accordance with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Court with a respondent's answer to a 2255 petition.
- v. Such other matters as the District Judge assigned to the case may permit upon prior motion for good cause shown.

3.2. Documents Filed on Paper and Scanned

- A. The following documents shall be filed on paper which may also be scanned into the system by the Clerk's Office.
 - i. The charging document in a criminal case, such as the complaint, indictment, and information, as well as the criminal synopsis form.
 - ii. Affidavits for search and arrest warrants and related papers.
 - iii. Fed.R.Crim.P.20 and Fed.R.Crim.P.40 papers received from another court.
 - iv. Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement.
 - v. Petitions for violations of supervised release and pre-trial conditions of release.

4. Pro Se Cases.

Non-pro se parties shall electronically file all pleadings and documents necessary for disposition of the action.

5. Social Security Cases.

Absent a showing of good cause, all documents, notices, and orders in social security reviews filed in the Court after the System is implemented shall be filed and noticed electronically, except Social Security transcripts shall be traditionally filed and served since scanning that set of documents and filing or retrieving them electronically is impractical at this time. Because Social Security transcripts will not be scanned or otherwise placed into the System, the Clerk's Office will docket a text-only event stating that the transcript has been filed with the Clerk.

To address the privacy issues inherent in a social security review, internet access to the individual documents will be limited to counsel involved in the case and Court staff. Docket sheets, however, will be available over the Internet to non-parties.

6. Registration and Passwords.

Unless exempted by Order of the Court, attorneys admitted to the bar of this Court, including those admitted *pro hac vice*, shall register as a filing user with the CM/ECF system.

Registration as a filing user constitutes consent to electronic service of all documents as provided in these Administrative Procedures in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

Once CM/ECF registration is completed, the Clerk's office will notify the filing user of

his/her personal login and password. A filing user shall be responsible for the use of and shall protect the security of his or her password. If the filing user learns his/her password has been compromised, the filing user shall immediately do the following:

Immediately change his or her password; and

Notify the Clerk of the compromise.

Once registered, the filing user shall be responsible for all documents filed with his or her password. Documents filed under a filing user's login and password shall constitute that filing user's signature for all purposes under Local and Federal Rules of Civil Procedure.

Registered filing users are responsible to maintain their account within the system, including changes in physical addresses, telephone numbers and e-mail addresses.

7. Filing.

Electronic transmission of a document to the System in accordance with these Administrative Procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this Court and constitutes entry of the document on the docket kept by the Clerk's Office under Rules 58 and 79 of the Federal Rules of Civil Procedure and Rules 49 and 55 of the Federal Rules of Criminal Procedure. E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document.

A document shall be considered timely filed if it is electronically filed by 5:00 p.m. Eastern Time.

8. Commencement of a Civil Action.

A filing user may file a complaint, petition, notice of removal or other initiating document using one of the following two procedures:

8.1. Traditionally.

8.2. Electronically.

- A. First, the filing user must deliver a civil cover sheet, notice of filing and the appropriate filing fees to the Clerk's Office by mail, personal delivery or other delivery service.
- B. Second, upon receipt by the Clerk's Office of said information and fees, the Clerk's Office will open the case and assign a case number. Once the case is open, the Clerk's Office will give e-mail notification to the filing user to electronically file the civil complaint, petition, notice of removal, or other initiating document.
- C. Third, upon electronic notice from the Clerk, the filing user shall electronically file the complaint, petition, notice of removal, or other initiating document.
- D. Said electronic delivery of the complaint, petition, notice of removal, or other initiating document to the Court's CM/ECF System constitutes "filing."

9. Service.

9.1. Service of Process.

Rule 5(b) of the Federal Rules of Civil Procedure does not permit electronic service of process for purposes of obtaining personal jurisdiction, i.e. Rule 4 service. Therefore, service of process must be effected in the traditional manner.

9.2. Service of Electronically Filed Documents.

Whenever a pleading or other paper is filed electronically in accordance with these Administrative Procedures, the System shall generate a “Notice of Electronic Filing” to the filing attorney and any other attorney who is a filing user and has requested electronic notice in that case. A document filed electronically shall be deemed filed at the time and date stated on the Notice of Electronic filing received from the Court.

If the recipient is a filing user, the System’s e-mailing of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid and shall be deemed to satisfy the requirements of Fed. R. Civ. P. 5(b)(2)(D), Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49(b).

9.3. Certificate of Service.

A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate shall be filed electronically, and must state the manner in which service or notice was accomplished on each party so entitled. Samples of certificates of service are attached to these Administrative Procedures. [See Appendix 1].

9.4. Service of Electronically Filed Documents Upon Non-Filing Users.

A party who is not a filing user of the System is entitled to a paper copy of any electronically-filed pleading, document, or order. The filing party must therefore provide the non-filing user with the pleading or document according to the Federal Rules of Civil Procedure.

9.5. Time to Respond Under Electronic Service.

In accordance with Rule 6(e) of the Federal Rules of Civil Procedure and Rule 45 of the Federal Rules of Criminal Procedure service by electronic means is treated the same as service by mail for purposes of adding three days to the prescribed period to respond.

9.6. Service of Sealed Filing.

If a sealed filing does not produce a Notice of Electronic Filing, service by the filer of any such sealed document by an alternate method is required.

10. Proposed Amended Pleadings and Documents.

10.1. Proposed Amended Pleadings.

When leave of Court is sought for filing an amended pleading or document, the proposed amended document must be electronically filed as an attachment to the motion.

10.2. Proposed Jury Instructions, Verdict Forms, Special Interrogatories and Voir Dire Questions.

Proposed jury instructions, verdict forms, special interrogatories and voir dire questions shall be submitted to the presiding Judge's e-mail account designated for receipt of such materials in a document created using Word Perfect 8 or a later version thereof which is attached to a transmittal e-mail. In order to protect the record, a duplicate copy of the proposed jury instructions, verdict forms, special interrogatories and voir dire questions being e-mailed to the presiding Judge shall be contemporaneously electronically filed.

11. Sealed Documents, Sealed Cases, Documents Presented for In Camera Review, and Documents Lodged with the Court.

If a party wishes to file: whole or in part sealed documents, a sealed case, documents presented whole or in part for in camera review, documents lodged with the Court, and / or any document with restricted access, the party shall file any motion or application to achieve the desired

action which itself necessarily contains sensitive information, along with the subject documents in the traditional manner in a sealed envelope marked “Sealed.” In the event the motion or application does not necessarily contain sensitive information, then the motion shall be filed electronically and the documents that are the subject of the motion shall be filed in the traditional manner in a sealed envelope marked “Sealed.”

12. Discovery.

Parties shall not file discovery. However, discovery materials to be used at trial or in support of any motion, including a motion to compel or for summary judgment, shall be filed electronically. Any motion filed pursuant to Rule 37 of the Federal Rules of Civil Procedure shall be accompanied by the electronically filed discovery materials to which the motion relates if those materials have not previously been filed with the Court.

13. Documents.

13.1. Attachments and Exhibits.

- A. Filing users must submit, in electronic form, indexed and tabbed, all documents referenced as attachments or exhibits, unless the Court permits conventional filing. The indexed and tabbed attachments or exhibits should be attached to the pleading. The filing user must submit as indexed and tabbed attachments and exhibits only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely

file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Filing users shall not attach as an exhibit any pleading or other paper already on file with the Court in that case, but shall merely refer to that document by docket number.

- B. If the indexed and tabbed exhibit or combined exhibits and/or attachments exceed 20 pages in length, the filing user must also submit an indexed and tabbed paper copy of the same to the chambers of the assigned Judge or Magistrate Judge within three (3) days of electronic filing, but in no event less than two (2) working days prior to any hearing on such motion or memorandum to which the exhibits are attached.

13.2. Large Documents.

Documents larger than two megabytes (approximately forty-five pages of .pdf text) must be filed electronically in separate two-megabyte segments.

13.3. Color Documents.

In order for a scanned document to be filed electronically, the scanner must be configured for 200 d.p.i. and black and white rather than color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the system.

13.4. Legibility.

The filing party is responsible for the legibility of the scanned document.

13.5. Document Retention.

The filing user shall retain all documents containing original signatures of anyone other than the filing user for a period of not less than sixty (60) days after all dates for appellate review have

expired.

13.6 Judge's Working Copy.

Filing users shall not supply paper copies of any motion, memorandum, or other document unless such exceeds the number of pages allowed by the existing Local Rules without prior permission by the Judge or Magistrate Judge. If the motion, memorandum, or other document has been permitted to exceed the number of pages allowed by the existing Local Rules, a paper copy shall be submitted to the chambers of the assigned Judge or Magistrate Judge within three (3) days of electronic filing, but in no event less than two (2) working days prior to a hearing on such motion or memorandum.

14. Signatures.

14.1. Attorney Signatures.

Documents filed under an attorney's login and password shall constitute that attorney's signature for purposes of the Local and Federal Rules of Civil and Criminal Procedure, including but not limited to Rule 11 of the Federal Rules of Civil Procedure. A pleading or other document requiring an attorney's signature shall be signed in the following manner "s/ (attorney name)." The correct format for an attorney signature is as follows:

/s/ Judith Attorney
Judith Attorney Bar Number: 12345
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
Clarksburg, WV 26301
Telephone: (304) 555-1234
Fax: (304) 555-5678
E-mail: judith_attorney@law.com

14.2. Visiting Attorney/Local Attorney Signature.

- A. Visiting attorneys and their local counsel, as defined in L.R.Gen.P. 83.02 and Rule 8.0 (Admission Pro Hac Vice) of the Rules for Admission to Practice, as adopted and amended by the Supreme Court of Appeals of West Virginia, shall fully comply with these Administrative Procedures for Electronic Case Filing, including, but not limited to, the continuing requirement that local counsel electronically sign and electronically file all documents, notwithstanding that the documents may have been prepared by visiting counsel, who may be a filing user who has a court-issued login and password to file documents electronically.

14.3. Non-Attorney Signature.

If an original document requires or contains the signature of a non-attorney, the filing user may scan the original document containing the original signature(s), then electronically file it on the System. Alternatively, the filing user may convert the document into .pdf text format and submit the document using “s/” for the signature(s) of the non-attorney(s). The filing user shall retain all documents containing original signatures of anyone other than the filing user for a period of not less than sixty days after all dates for appellate review have expired. Should the authenticity of the document be questioned, the presiding judge may require the filing user to produce the original document.

14.4. Multiple Signatures.

A document requiring signatures of more than one party and/or attorney must be filed electronically by submitting a scanned document containing all necessary signatures. The original

document must be kept for a period of not less than sixty days after all dates for appellate review have expired.

14.5. Authenticity Disputes.

A non-filing signatory or party who disputes the authenticity of an electronically-filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing, or, if a non-filing user, within ten days of receiving the document.

15. Fees Payable to the Clerk.

Any fee required for filing a pleading or paper in this Court is payable to the Clerk of the Court by check, money order, cash, or credit card (Visa, MasterCard, Discover, American Express). The Clerk's Office will document the receipt of fees on the docket with a text-only entry. Until further notice, the Court will not maintain electronic billing or debit accounts for attorneys or law firms.

16. Orders.

The assigned judge or the Clerk's Office shall electronically file all signed orders. Upon filing, the System will send a "Notice of Electronic Filing" to all filing users in that case. The Clerk's Office will send a paper copy of the Order along with the "Notice of Electronic Filing" to non-filing users in the case. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and the order had been entered on the docket conventionally.

16.1. Text-Only Orders.

The assigned judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no .pdf document will issue; the text-only entry shall constitute the Court's only order on the matter. These text-only orders shall have the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and the order had been entered on the docket conventionally. The System will generate a "Notice of Electronic Filing." The Clerk's Office will send a paper copy of the text-only order to non-filing users in the case.

16.2. Proposed Orders.

- A. The moving party may submit to the judge, after filing a motion for which no supporting brief is required, a proposed order granting the motion and setting forth the relief requested.
- B. Electronically submitted proposed orders must be identified as "proposed order," and filed in the appropriate "proposed order event" within CM/ECF. The proposed order may not be combined with the motion into one document. The motion must be docketed prior to submitting the proposed order to the Court, and the proposed order must refer to the resulting docket entry number for the motion.
- C. A filing party moving for issuance of a writ, warrant, or summons should apprise the judge that a prompt ruling is sought, and attach the writ, warrant, or summons in .pdf format to the proposed order, if one is needed.
- D. "Proposed Order" includes, but is not limited to, proposed pretrial orders, proposed protective orders, and any proposed order deciding a motion.

17. Correcting Docket Entries.

Once a document is submitted and becomes part of the case docket (i.e., the filing users receives a Notice of Electronic Filing), only the Clerk's Office can make corrections to that docket entry. In other words, the System will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted. A document incorrectly filed in a case may be the result of posting the wrong .pdf document to a docket entry or selecting the wrong document type from the menu or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**

As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which it is requesting a correction. If appropriate, the Court will make an entry indicating that the document was filed in error. The Clerk's Office will notify the filing party *if* the document needs to be refiled.

18. Technical Failures.

18.1. Technical Failure of System.

- A. The Clerk's Office shall deem the Northern District of West Virginia CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible. In such instances, the filing user may submit documents to the Court in the traditional manner.
- B. A filing user whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court. However, filing

users are cautioned that, in some circumstances, the Court lacks the authority to grant an extension of time to file (e.g. Rule 6(b) of the Federal Rules of Civil Procedure).

18.2. Technical Failure of Filing User's System.

Problems with the filing user's system, such as phone line problems, problems with the filing user's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filing user who cannot file a document electronically because of a problem on the filing user's system must first contact the Clerk's Office for permission to file the document traditionally or via fax.

If the filer is unable to file electronically because of technical failures, the filer must serve the opposing parties in the conventional / traditional manner.

19. Public Access and Privacy Concerns.

19.1. Social Security Case Information.

The public may retrieve information from the System at the Court's internet site by obtaining a PACER login and password. In accordance with the policy that the Judicial Conference has established, a social security case is not available for public view over the Internet. In social security cases, only counsel in the case may retrieve certain documents.

19.2. Sensitive Information.

As the public may access certain case information over the internet through the Court's internet site, the Court has issued a Notice of Availability of Case File Information in Compliance with the August 2, 2004 Amendments to the E-Government Act of 2002 [Appendix 2] and a Policy Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files in Compliance with the August 2, 2004 Amendments to the E-

Government Act of 2002 [Appendix 3]. Counsel are required to comply with the Court's Policy.

20. Public Access to the System Docket.

20.1. Public Access at the Court.

Electronic access to the electronic docket and documents filed in the System, except certain filings included, but not limited to, sealed documents and social security cases, is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

20.2. Internet Access.

Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases. Application forms and information on PACER can be found on the Court's web page at www.wvnd.uscourts.gov.

20.3. Conventional Copies and Certified Copies.

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

21. Hyperlinks

Electronically filed documents may contain the following types of hyperlinks:

- A. Hyperlinks to other portions of the same document; and**
- B. Hyperlinks to a location on the Internet that contains a source document for a citation.**

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.

APPENDICES

Samples of Certificate of Service

CERTIFICATE OF SERVICE

_____, and I hereby certify that I have mailed, by United States Postal Service, the document to the following non-CM/ECF participants:

/s/ _____

Attorney's Name and Bar Number

Attorney for (Plaintiff/Defendant)

Law Firm Name

Law Firm Address

Law Firm Phone Number

Law Firm Fax Number

Attorney's E-mail Address

_____, and I hereby certify that I have mailed, by United States Postal Service, the document to the following non-CM/ECF participants: _____.

/s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

Appendix 2

United States District Court

Northern District of West Virginia

Notice of Electronic Availability of Case File Information

IN COMPLIANCE WITH THE AUGUST 2, 2004 AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002

The Office of the Clerk has been imaging pleadings for posting to WebPACER/RACER, through the court's Internet website for over two years and will soon begin accepting filed pleadings via CM/ECF and making the content of these pleadings available on the court's Internet website. Any subscriber to WebPACER/RACER will be able to read, download, store and print the full content of imaged documents. The clerk's office is not imaging or posting documents sealed or otherwise restricted by court order nor will such documents be made available electronically once electronic filing begins.

To comply with privacy policy, you should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, certain personal data identifiers must be partially redacted from the pleading, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth, home addresses and the names of minor children.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may

(a) File a redacted, unsealed version of the pleading along with a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the court as part of the record, or

(b) with approval of the court, file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following:

- 1) Personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. **If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the rules of this court requiring redaction of personal data identifiers. The clerk will not review each pleading for redaction.**

Appendix 3

United States District Court

Northern District of West Virginia

Policy

Addressing Judicial Conference Privacy Policy

Regarding Public Access to Electronic Case Files

IN COMPLIANCE WITH THE AUGUST 2, 2004 AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

- a. **Social Security numbers.** If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
- d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. **Home Address.** If a home address must be included in a document to be filed, only the city and state shall be included.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above must

- a. File a redacted, unsealed version of the pleading along with a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the

reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right, or

b. with approval of the court, file an unredacted version of the document under seal. The court may, however, still require the party to file a redacted copy for the public file.

The unredacted version of the document or the reference list remain sealed and retained by the court as part of the record.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.